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**From:** Dave Hadden [Dave\_Hadden@headwatersmontana.org]  
**Sent:** 11/3/2015 3:39:25 PM  
**To:** Cirian, Mike [Cirian.Mike@epa.gov]  
**Subject:** Re: CFAC Question

Mike:

Thanks for your good explanation. Can you please briefly list the advantages of Superfund designation over non-listing. I got the sense from talking with you that distinct advantages existed. Also, that Superfund wasn't necessarily a more expensive process. Cheers, Dave

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**From:** Michael Cirian <[cirian.mike@epa.gov](mailto:cirian.mike@epa.gov)>  
**Date:** Mon, Nov 2, 2015 at 4:14 PM  
**To:** Dave Hadden <[Dave\\_Hadden@headwatersmontana.org](mailto:Dave_Hadden@headwatersmontana.org)>  
**Cc:** "Peterson, Cynthia" <[Peterson.Cynthia@epa.gov](mailto:Peterson.Cynthia@epa.gov)>, "Chalfant, Mark" <[Chalfant.Mark@epa.gov](mailto:Chalfant.Mark@epa.gov)>  
**Subject:** RE: CFAC Question

Hello Dave,

Good to hear from you. The EPA has already met its needs for listing the site on the National Priorities List (NPL). The EPA headquarters is reviewing and will be responding to comments received during the comment period. Listings only happen twice a year, once in the spring and again in the fall. The earliest we can get it listed will be in the spring of 2016, but it may not be listed until the fall of 2016, based on the number of listings and priority ranking of the other sites listed.

Yes we can declare a site a Superfund site even if the companies do not want us to, which happens in many cases. The process is important and there are many reasons to list and sometimes reasons not to. The a few reasons or circumstances that would potentially cause it to not be listed are: The community doesn't want it listed. The company is proactive and takes action to cleanup a site on their own. The State may take the lead. These are just a few reasons.

We are working closely with CFAC/Glencore to complete an Administrative Order of Consent (AOC) and the negotiations are going well. This is a good thing. CFAC has a contractor who has been putting together a Work Plan to get the project through the Feasibility Study. They have received our comments and have started addressing them as I type. Under an AOC the company must give us a financial assurance to cover cost if they would ever back out of the agreement. We are also including MDEQ in the work plan reviews and other meetings.

CFAC and a few others have asked for a Superfund alternative which still would require them to meet their obligations, still give the EPA over-site authority, and must have State buy in. We will weight all the options and we must get approval from our management as well as. This will take time as well.

In the meantime we will continue to work with CFAC to help move this project along and do what is best for the community, public health and the environment.

I am confident we will have the AOC signed soon and the work plan in place to continue to move the site forward as we continue moving the site through the Superfund process.

I hope this has been helpful,  
Mike

Mike Cirian, PE  
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**From:** Dave Hadden [[mailto:Dave\\_Hadden@headwatersmontana.org](mailto:Dave_Hadden@headwatersmontana.org)]  
**Sent:** Monday, November 02, 2015 1:10 PM  
**To:** Cirian, Mike  
**Subject:** CFAC Question

Mike:

I met you at the CFAC public information meeting on October 8. Thanks for the information you provided.

Can you refresh my memory on when EPA may determine whether to list the CFAC site for Superfund? I support this listing and would like to get some earned media out on the positives of this option.

I believe you also said that EPA has the authority to declare the CFAC site, even over the objections of the company. Can you please explain why or what circumstances it would not do so?

Thanks, Dave

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